

TRIPURA



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PART--III-- Acts of Tripura Legislature

**GOVERNMENT OF TRIPURA
LAW DEPARTMENT
SECRETARIAT : AGARTALA**

No.F.8 (11) Law/Leg-I/2020/2999-3000

Dated, Agartala, the 5th May, 2020.

NOTIFICATION

The following Act of the Tripura Legislative Assembly received the assent of the Governor of Tripura on the 5th of May, 2020 and is hereby published for General information.

(Sopan Chaudhuri)
Deputy Secretary, Law
Government of Tripura

THE TRIPURA ACT NO 09 of 2020

THE TRIPURA AGRICULTURAL PRODUCE MARKETS (THIRD AMENDMENT) ACT, 2020

AN

ACT

to amend the Tripura Agricultural Produce Markets Act, 1980 (The Tripura Act No.15 of 1983).

BE it enacted by the Tripura Legislative Assembly in the seventy first year of Republic of India as follows:

1 Short title and Commencement:

- (1) This may be called "The Tripura Agricultural Produce Markets (Third Amendment) Act, 2020";
- (2) It shall come into force on and from the date of its publication in the Tripura Gazette.

2 Amendment of Section 2:

- (1) After clause (e) of sub- Section (1) of Section (2) of The Tripura Agricultural Produce Markets Act, 1980 (**herein after called as The Principal Act**), the following new clauses (ea) and (eb) shall be inserted:

"(ea) '**Electronic trading**' means trading of notified agricultural produce in which registration, auctioning, billing, booking, contracting, negotiating, information exchanging, record keeping and other connected activities are done electronically on computer network or internet;

(eb) '**Electronic trading platform**' means electronic platform set up either by State Government or its agencies or a person licenced under Section 34 for conducting trading in notified agricultural produce through electronic media or by any means of communication in which registration, buying and selling, billing, booking, contracting and negotiating are carried out online through computer network or internet or any other such electronic device;"

- (2) The definition of Local Authority under clause(f) of Sub- Section (1) of Section 2 of The **Principal Act**, shall be substituted with the followings :

"(f) '**Local Area Authority**' means and includes Gram Panchayat, Municipal Council, Municipal Corporation, Nagar Panchayat, ADC Village Council, and any other Local Self Governments;"

- (3) After clause (i) of Sub- Section (1) of Section (2) of the **Principal Act**, the following new clauses (ia), (ib) and (ic) shall be inserted:

“(ia) **‘Market Sub-Yard’** means and includes warehouse, silos, cold storage or other such structure or place declared to be market sub-yard or deem to be market sub-yard under Section 34B (1);

(ib) **‘Market Yard’** in relation to delineated market area means and includes principal market yard, sub-market yard and market sub-yard in such delineated market area notified by the Government/ Administration, and managed & operated by the Agricultural Produce Market Committee.

(ic) **‘National Agriculture Market (NAM)’** means and includes an integrated market, without prejudice to any law for the time being in force, where buying and selling of notified agricultural produce including livestock and activities incidental thereto are carried out in India possessing marketing utility across time and space;”

- (4) After clause (p) of Sub- Section (1) of Section (2) of the **Principal Act**, the following new clause (pa) shall be inserted:

“(pa) **‘Sub- Market Yard’** in relation to a market area means and includes a specified place other than Market Yard and includes any enclosure, building or locality, declared as such in any market area by the State Government or the Director/ General Manager, Tripura Agricultural Produce Market Board by notification.”

3

Amendment of Section 26:

In the **Principal Act**, Section 26 shall be substituted with the followings:

“26(1) It shall be competent for a Market Committee to levy and collect such fees (hereinafter referred to as the market fees), not being in the excess of, or less than, an amount determined by the State Government by notification, from every purchaser of agricultural produce, other than fruits and vegetables, sold in a market area in such manner and at such rate, as may be prescribed;

Provided that when any agricultural produce brought into any market area for the purpose of processing only, or for export, is not processed or exported there from within fourteen days, from the date of its arrival therein, it shall, until the contrary is proved, be presumed to have been brought into the market area for buying and selling, and shall be subject to the levy of fees under this Section, as if it had been brought and sold therein;

Provided further that no such fees shall be levied and collected in any market area of the state, in relation to any agricultural produce in respect of which fees under this Section have already been levied and collected therein.

(2) The market fees shall be paid by the buyer directly to the Market Committee, on the price determined on the sale of the agricultural produce and it shall not be deducted from the price payable to the seller.

(3) The Secretary or employees of the Market Committee, shall maintain account relating to sale and purchase or processing or value addition in required forms and submit to the Agricultural Produce Market Committee and submit the periodical returns, as may be prescribed under the bye- laws.

(4) Agricultural Produce Market Committee may collect user charges on fruits and vegetables from the purchaser, in a market, at the rate not more than 1% ad valorem basis on each transaction;

Provided that, such user charges shall be paid by the buyer directly to the Market Committee and it shall not be deducted from the price payable to the seller."

4 **Amendment of Section 30:**

In the **Principal Act**, clause (a) and (b) of Sub- Section (1) of Section 30 shall be substituted with the following:

"the General Manager of Tripura Agricultural Produce Market Board"

5 **Amendment of Section 31:**

In the **Principal Act**, Section 31 shall be substituted with the following:-

Grant or renewal of License:

"31(1) Single license will be valid throughout the State of Tripura; no trader (Seller, Buyer, Commission Agent) will require separate license for operating in separate market area of the State of Tripura, which is to be issued by the General Manager of Tripura Agricultural Produce Market Board;

Provided the traders shall have to apply for licenses afresh, as soon as the validity of existing license expires, to the issuing authority.

(2) The General Manager (GM), Tripura Agricultural Produce Market Board shall remit the license fee after deducting 10% of total license fee collected, as contribution to Tripura Agricultural Produce Market Board from Agricultural Produce Market Committee, to all Agricultural Produce Market Committee in equal proportion."

6 **Insertion of a Chapter – VA (Electronic and Online Trading):**

In the **Principal Act**, after Chapter –V and before Chapter – VI, the following new Chapter shall be inserted:

**"Chapter – VA
(Electronic and Online Trading)**

34A Establishment of Electronic Trading Platform, Licensing and User Charge Collection :

(1)(i) No person shall establish or run any electronic trading platform for trading in notified agricultural produce without obtaining a license under this Section.

(ii) Save as provided in Section 34A(1)(i), the Government, or its Administration or agencies may, however, establish and run e-trading platform for trading in notified agricultural produce, in the manner as may be prescribed.

(2)(i) Any person desirous to establish an e-trading platform under Section 34A(1)(i) shall apply to the Director of Agriculture or Officer authorized by him in such form and in such manner along with such fee and security and fulfilling such conditions, as may be prescribed;

Provided, that the application received under this Section shall be subject to the condition(s) laid down for private market yard under Section 30A & 30B.

(ii) The application received under Sub-Section 34A(2)(i) for grant or renewal of license may be accepted or rejected for reasons recorded in writing by the licensing authority.

(iii) The e-trading platform managed and operated by a person or Administration or its Agencies, as the case may be, shall provide all infrastructures and services to the e-trading platform as prescribed.

(iv) The licensee or its Management Committee may collect user charges on sale transaction of notified agricultural produce on the e-trading platform as per Government approved rate;

Provided no user charge shall be collected from Agriculturist and Sellers who are primary producers;

Provided further that Government in the Agriculture Department or its Agencies in public interest may from time to time, by notification, put ceiling on the rate of collection of user charges;

Provided the e-trading platform licensee shall contribute, of such user charge collection, to the Tripura Agricultural Produce Market Board fund as prescribed by the Government.

34B Integration of Warehouses, Silos, Cold storages or other such structure or space declared as Market Sub-Yard to e-Platform:

(1) A licensed private market yard, market sub- yard or sub- market yard (warehouses, silos, cold storages or other such structure or space declared as market sub-yard), desirous to link to e-platform of Government of India, may apply, through concerned Government Agency to the Department of Agriculture, Cooperation and Farmers Welfare, Government of India, in the form and manner, as may be prescribed.

(2) **Integration of private markets:** A license holder under Section 30A of private market yard, desirous of integrating with e-trading portal, may apply through State Government or its Administration or Agencies to the Central Government, in the manner as may be prescribed.

(3) **Interoperability of e-trading platforms:** In order to evolve an unified National Agricultural Market and integrate various e-platforms, the application in the e-platforms should be interoperable as per specification and standards laid down by the Director of Agriculture or the Authority designated there for.

(4) Payment to the sellers and maintenance of account:

(i) The Licensee or the Agricultural Produce Market Committee as the case may be, shall develop effective mechanism to ensure payments to the sellers within a prescribed time, but not beyond the next working day of the sale transaction.

(ii) The Licensee or the Agricultural Produce Market Committee, as the case may be, shall maintain accounts of all the transactions taken place on electronic platform and submit such periodical reports and returns to the General Manager, Tripura Agricultural Produce Market Board or the Authorized Officer, at such time and in such forms, as may be specified by the competent authority, from time to time.

34C Suspension or Cancellation of license of electronic trading platform : The Director of Agriculture, or the Officer authorized by him, for the reasons to be recorded, specifying the breach of any provision of Act or Rules or Bye-law or Instructions or Order, suspend or cancel the license, granted under Section 34A(2) by passing a speaking order;

Provided that no order for suspension or cancellation of license shall be passed without giving a reasonable opportunity of being heard.

34D Dispute settlement: Any dispute arising between or among licensees of e-trading platform, or between licensees and Agricultural Produce Market Committees or State Agencies, shall be resolved by the Director of Agriculture or the Officer authorized by him or her in summary manner within thirty days, after giving the parties reasonable opportunity of being heard.

(1) Dispute settlement with regard to intra- state trade transaction: In case of any dispute with regard to any transaction or trade on e-platform, the redressal thereof shall be done at the level of Management Committee of the licensee or the Agricultural Produce Market Committee, as the case may be, through an administrative process, or through the process of conciliation and arbitration, or otherwise within seven working days; while in case of perishables it shall be within three working days. The Management Committee of the licensee or the Agricultural Produce Market Committee, as the case may be, shall dispose of the matter by issuing speaking order.

(2) Dispute settlement with regard to inter- state trade transaction: In case of any dispute arising out of inter-state trade transaction on e-platform or any other such platform, the Government can subscribe to become part of such Authority, which may be constituted by the Union Government or State Government under the existing law or any law to be framed there for.

34E Appeal :

(1) Any person aggrieved by the order of the Director or the Officer authorized by him, passed under Section 34C and 34D, as the case may be, may prefer an appeal to the Government or the Officer authorized by it, in the form and manner as prescribed, within thirty days from the date of receipt of such order. The Appellate Authority shall dispose of the appeal within thirty days, after giving the parties a reasonable opportunity of being heard.

(2) Any person aggrieved by the order of the Market Committee or Management Committee of private market yard, farmer-consumer market yard, market sub-yard, electronic trading platform may prefer an appeal to the Director of Agriculture or the Officer authorized by him, in the form and manner mutatis mutandis to sub- Section (i), within thirty days from the date of receipt of such order. The Appellate Authority shall dispose of the appeal within thirty days, after giving the parties a reasonable opportunity of being heard.

(3) Save as provided in Section 34D (1), the appeal with respect to inter-state trade on e-platform or any other such platform under Section 34D (2), will be in accordance with the provisions to be provided under any law constituting the Authority.

(4) The Appellate Authority, if it considers it necessary so to do, grant a stay on the order appealed against for such period as it may deem fit.

(5) The order passed in the appeal by the State Government or the Officer authorized by it shall be final and binding on all parties, and such order issued by the Appellate Authority shall have the force of the decree of a Civil Court and shall be enforceable as such.

34F Bar of Jurisdiction on Civil Courts:

(1) No Civil Court shall have jurisdiction to settle, decide or deal with any question or to determine any matter which is by or under this Act required to be settled, decided or dealt with.

(2) No Court shall take cognizance of an offence under this Chapter, except upon a complaint by the Director of Agriculture or General Manager, Tripura Agricultural Produce Market Board or by any other Officer authorized by him or her in this behalf.

7 Insertion of a new Section 36A:

In the **Principal Act**, in Chapter –VI after Section 36, following new Section 36A shall be inserted namely, :

“36A At least 10% of Market Fund collected from all sources shall be used to create a corpus fund by the Agricultural Produce Market Committee for executing purchase of any notified agricultural produce, whenever market price of any produce fall below a cut off price as recommended by a Committee engaged by the Government.”

8 Insertion of new Section 38A, 38B & 38C in chapter –VII:

In the **Principal Act**, in Chapter –VII after Section 38, the following new Sections shall be inserted namely, :

Duty of Local Authority to give information and assistance:

“38A It shall be duty of every Local Authority to give all the necessary information in the possession of, or under control of its Officers, to the Agricultural Produce Market Committee or Agriculture Department or its Officers in that behalf, relating to the movement of notified agricultural produce into and out of the area of the Local Authority, free of any charges.

38B Managing Authority of any market, other than Agricultural Produce Market Committee, shall collaborate with the concerned Agricultural Produce Market Committee or their authorized officials in enforcing the Tripura Agricultural Produce Markets Act within respective market yard only under respective notified market area in which the corresponding Local Area Authority controlled market is situated.

38C Market fee collected from the markets controlled by the Local Area Authority, should be deposited to the respective Agricultural Produce Market Committee in every month;

Provided at the end of the year which is 30th June, the concerned Agricultural Produce Market Committee shall pay back 60% of the market fee to every market from which market fee has been received for utilizing the same for development, maintenance of the concerned market."

9

Amendment of Section 45:

In the **Principal Act**, in Chapter –IX, after Section 45, the following new Section 45A shall be inserted:

"45A Penalty for contravention of the provision of electronic and online trading: Whoever contravenes any provisions of Chapter VA shall, on conviction, be punished with imprisonment for a term which may extend to six months or with a fine which may extend to ten thousand rupees or both."

STATEMENT OF OBJECT AND REASONS

The Government of India started a scheme of National Agriculture Market (NAM) during 2015-16 which functions on e-platform (electronic trading). To implement the scheme for creating necessary infrastructure, Rupees Thirty Lakhs will be provided to each selected market and all the Regulated Markets in the country and will be brought under NAM in phased manner by the Government of India. But to implement the scheme following reforms, have been made mandatory:-

1. A single license to be valid across the State.
2. Single point Levy of Fee including waiving/ evasion of market fee on vegetable & fruits.
3. Provision of electronic/ online trading.

Beside these, provision is also required to be made in this amendment for strengthening the process of collection of market intelligence from Local Authorities.

The Bill seeks to achieve the above objects.

TECHNICAL REPORT

The subject matter of the Bill is relatable to entry 14 & 28 of the State list (List-II) of the seventh schedule to the constitution of India. Therefore, the State Legislature is competent to enact a Law on the subject. No provision of the bill is repugnant to any provision of the constitution or any existing Central Law on the subject. This is not also a money Bill within the meaning of Article 199 of the constitution. Prior recommendation of the Governor for moving of introducing the Bill in the Assembly is not therefore necessary. Since the bill does not involve any additional expenditure from the consolidated fund of the State prior recommendation of the Governor is not also necessary for consideration of the Bill in the Assembly under Article-207(3) of the constitution.

FINANCIAL REPORT

The Bill, if enacted and brought into operation, shall not involve any additional expenditure from the consolidated fund of the State.